



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9210 of 2019

1 ARUMUGAM
2 MUNIYAMMAL

... PETITIONER / ACCUSED 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
IN CRIME NO.7 OF 2019.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.NIRMAL KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

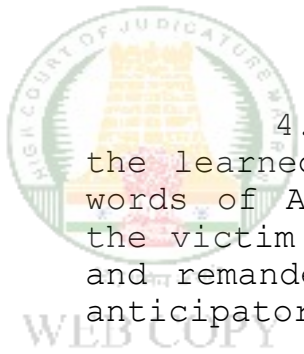
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 & 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.7 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are parents of A-1 and on believing the words of A-4, who is the mother of the victim girl, they performed the marriage with A-1, as the victim had already attained majority. He further submitted that only now, they came to know that the victim is aged about 17 and 1/2 years. He further submitted that A-1 was already arrested and remanded to judicial custody and still, he is in custody. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that already, this Court dismissed the anticipatory bail petition, which was filed by A-4. Knowing fully well that the victim girl has not attained majority, the petitioners have married the victim girl with their son (A-1). Therefore, he strongly opposes this petition.



4. Taking into consideration of all the submissions made by the learned counsel for the petitioners that only on believing the words of A-4 that the victim girl attained majority, they married the victim girl to A-1 and also the fact that A-1 has been arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, Thoothukudi District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>
THE JUDICIAL MAGISTRATE,
VILATHIKULAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.9210 of 2019

Date :02/07/2019

JM/JC/SAR 1/12.07.2019/3P/5C